IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 19636 of 1994

Between:

1 M.V.S.Prakash Rao S/o. Sri Venkateshwar Rao
C/o. A.Kanaka Raju Allavari Street,
V.R.R.Peta Anakapally, Visakhapatnam-531 001
2 Alla Kanaka Raju S/o. Sree Veeru Naidu
C/o. A.Kanaka Raju Allavari Street,
V.R.R.Peta Anakapally, Visakhapatnam-531 001
3 N.Kanaka Appa Rao S/o. N.Demulu
C/o. A.Kanaka Raju Allavari Street,
V.R.R.Peta Anakapally, Visakhapatnam-531 001

..... PETITIONERS

AND

1 The Vice Chancellor, A.P.Agril. University
Rajendranagar Hyderabad
2 Asst. Director(Research), Regional Agril. Research Station A.P.Agril. University
Anakapally Visakhapatnam

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, particularly one in the nature of Writ of Mandamus declaring the action of respondents in not regularising the services of petitioners from the date of initial appointment as wholly illegal, arbitrary and unjust and consequently direct the respondents (1) to regularise the services of petitioners from the date of initial appointment, i.e., 22-1-1982, 16-6-1984 and 18-4-1984 respectively (2) to promote the petitioners to the post of Record Asst. as per Zonal seniority list of the 2nd respondent.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.SIVA REDDY

The Court made the following :

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

WRIT PETITION NO.19636 OF 1994

ORDER:

This writ petition is filed seeking regularization of the services of the petitioners from the date of their initial appointment and to promote them to the post of Record Assistant as per the zonal seniority list.

The facts in brief are that the petitioners are working as Nominal Muster Role (N.M.R.) under the second respondent-Research Station and they were appointed on 22.1.1982, 16.6.1984 and on 18.4.1984 respectively. The first respondent issued a circular, dated 18.5.1982, in Memo No.24480/S.C/82 for filling up of vacancies in Class-IV posts and also issued guidelines for preparation of seniority list of casual labourer for filling the said vacancies from among the casual labourer. Subsequently, the second respondent issued a circular notifying the zonal seniority list of casual labourer working under the second respondent where-under the petitioners stood at serial Nos.5,11 and 9 respectively. There is break in the services of the above petitioners. The grievance of the petitioners is that though the respondent authorities are regularizing the services of similarly placed persons ignoring the break in services on production of medical certificate and showing the genuine reason for the absence, the case of the petitioners have not been considered so far. Aggrieved by the said action of the respondents, this writ petition is filed.

It is recorded by this Court in W.P.M.P.24140 of 1994, by order, dated 11.7.1995 that the interim orders for promotion to the post of Record Assistant

cannot be granted in view of the fact that the petitioners are not even regularized. In other words, when there was no regularization, the question of getting the right to promotion does not arise.

It is on record that the petitioners are not even regularized as on the date of filing the present writ petition. The first requisite to get the relief as sought for by the petitioners is to get regularized as per the seniority. Unless that question is decided, the question of further relief of promotion cannot be sought for nor can be granted by this Court.

Hence, the writ petition is disposed of with liberty to the petitioner to make a representation to the respondents seeking regularization and upon making such representation by the petitioners, the respondents are directed to consider the question of regularization of their services in accordance with the procedure and guidelines issued by the University and also in accordance with the seniority list, if any, prepared and take further action.

With the above observation and direction, the writ petition is disposed of. No costs.

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(D.S.R.VARMA,J)

DT.24.9.2004

MDAA/KRK.

Copy to :

1 The Vice Chancellor, A.P.Agril. University

Rajendranagar Hyderabad

2 Asst. Director(Research), Regional Agril. Research Station A.P.Agril. University Anakapally Visakhapatnam

3. Two C.D.copies.